

Article - Environment

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§7-265.

(a) A person who commits any of the following offenses is guilty of a felony and on conviction is subject to a fine not exceeding \$100,000 or imprisonment not exceeding 5 years, or both:

(1) Storing, treating, dumping, discharging, abandoning, or otherwise disposing of a controlled hazardous substance in any place other than a controlled hazardous substance facility for which a current facility permit is in effect;

(2) Transporting for treatment, storage, or disposal a controlled hazardous substance to any place other than a controlled hazardous substance facility for which a current facility permit is in effect;

(3) Falsifying any information required by the Department under this subtitle or any rule, regulation, order, hauler certificate, vehicle certificate, or facility permit issued under this subtitle; or

(4) Authorizing, directing, or permitting any offense listed in this section.

(b) A person who is convicted of violating the following sections of this subtitle or any regulation adopted under the following sections of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$50,000 or imprisonment for not more than 3 years, or both:

(1) § 7-209 of this subtitle;

(2) § 7-249 of this subtitle; or

(3) § 7-252 of this subtitle.

(c) Each day on which a violation occurs constitutes a separate offense under this section.

(d) (1) Any person who knowingly transports, treats, stores, exports, or otherwise disposes of a controlled hazardous substance in a manner that would constitute a violation under subsection (a) of this section and who knows at that time the violation places another person in imminent danger of death or serious bodily

injury is guilty of a felony and on conviction is subject to a fine not exceeding \$250,000 or imprisonment not exceeding 15 years or both.

(2) For the purposes of this subsection, in determining whether a person's state of mind is knowing and whether a person knew that the violation or conduct placed another person in imminent danger of death or serious bodily injury, the criteria provided under § 3008(f) of the Resource Conservation and Recovery Act (42 U.S.C. § 6928(f)) shall apply.

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